

## Downey, Shannon

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**From:** Doug Harris [doug.harris@veoliaes.com]  
**Sent:** Friday, July 19, 2013 3:24 PM  
**To:** Downey, Shannon  
**Cc:** Marshall, Sarah; Dennis J Warchol; David A Klarich; Czerniak, George  
**Subject:** Veolia's response to 7/17/13 CPT comments

Shannon,

Veolia is in receipt of your July 17th e-mail. As an initial matter, Veolia generally agrees that the two issues raised in your e-mail remain unresolved. Veolia offers the following comments in an attempt to resolve these two outstanding issues:

Item 1: During the discussions on Monday, July 15, the Agency stated that if the solid waste streams had limited data, or were new waste streams, the material should be sampled every 30 minutes. Based on this comment and in order to resolve this issue, Veolia proposes to sample each waste stream, solids and liquids, every 15 minutes. Veolia will provide profiles and waste feed analysis of all the waste streams selected to be fed during testing prior to the tests being conducted. All historical profile information and waste feed analyses are available for review by the Agency at any time. However, Veolia will not be providing historical information simply as a clerical exercise. Veolia is unaware of any Federal requirements in Subpart EEE that require the facility to provide historical waste stream information for waste that will be incinerated during testing. Veolia's waste feeds used during the CPT will, in fact, represent normal operations. Each waste stream will be sampled every 15 minutes to ensure that a representative sample is obtained and that subsequent analytical results of each particular waste fed during the test are representative. Historical waste feed information will have no bearing on these results.

Item 2: Veolia intends to comply completely with the requirements contained in Subpart EEE and all other applicable Federal requirements. However, Veolia does not intend to conduct tests beyond those tests required by applicable Federal statutes and regulations. Veolia will test under one condition during the CPT and comply with all the requirements in Subpart EEE for setting OPLs. See Section 40 CFR 1209(k) for setting OPLs for D/Fs; 40 CFR 1209(n) for setting OPLs for SVM/LVM; and 40 CFR 1209(l) for setting OPLs for Hg. Also, 40 CFR 1207(g)(1)(i)(A), (B) and (C) defines other requirements when conducting CPTs for metals, D/Fs and PM. Nowhere in these regulations does it require establishing a maximum or higher than normal temperature OPL in association with the emission standards for metals—SVM, LVM, or mercury. The regulations only require Veolia to set a minimum combustion chamber temperature to remain in compliance with the emission standard for D/F's. See 40 CFR 1209(i)(1) and (2). Veolia will be operating at combustion chamber temperatures that range from 1500 to greater than 1800 degrees Fahrenheit during the D/F and metals testing. The decomposition temperatures, melting point, or boiling point for the spike material is as follows:

- Lead nitrate's decomposition temperature is 878 degrees F;
- Chromic acid (solids) melting point is 388 degrees F; and
- Mercuric nitrate's (solid) melting point is 174 degrees F, and as an aqueous solution it boils at about 212 degrees F.

The temperatures that Veolia will be operating at during the CPT testing to establish the minimum combustion chamber temperature will be significantly above these decomposition, melting point, and boiling point temperatures, and, as a result, will maximize metal emissions. Thus, the test condition that Veolia proposed to the Agency on June 26th will accomplish what is required by the Federal Regulations and meet the Agency's requirements to perform testing for D/Fs and metals at the same time; it will also establish minimum combustion temperatures, minimum carbon feed rate, and maximum metal feedrates. In addition, Subpart EEE requires that the minimum combustion chamber temperatures be set during D/F testing. Further, Veolia believes that Subpart EEE requires OPLs to be established when conducting a CPT. It seems that the Agency is incorrectly disregarding these Federal requirements by stating that OPLs do not have to be established for certain runs or conditions.

This gives rise to a greater, more global, concern that Veolia has concerning the CPT testing. It appears that the Agency is attempting to develop a test plan for Veolia that differs from what the Federal MACT Rule requires. Veolia cannot agree to perform testing that either omits certain requirements, or goes beyond the existing Federal requirements, based solely on non-air division opinions and interpretations. Veolia is trying to accommodate Region 5, but cannot—and will not—rely solely on the representations of Region 5 concerning what is required under the regulations. Veolia has relied on such representations in the past—to its detriment—and will not create conditions ripe for criticism, second-guessing, and perhaps failure, by doing so again. Veolia is also troubled by the recent discussions concerning the permit reopening where Region 5 personnel misinterpreted when permit conditions would take effect if Veolia chose to appeal. (The Agency later retracted the misinterpretation, but only after Veolia's counsel specifically followed-up on the issue.) These and other experiences have made it clear to Veolia that it must strictly adhere to what is required by the letter of the Federal HWC MACT Rule and proceed to perform CPT Testing without deviating from what is expressly required by the Federal regulations. It is our hope that Region 5 will approve our test plan. Veolia must proceed with a plan that fully complies with the Federal Regulations and that is within the timeframe that has been required by the USEPA, Region 5.

I, or a member of my staff, will contact you early next week to determine the appropriate next step. I would like to thank the Air Group for the extra effort they have expended to expedite this approval process.

Doug Harris  
General Manager

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